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PATENT
File No. E-1823 CIP

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ISOLATED YEAST PROMOTER SEQUENCE AND A METHOD OF REGULATED HETEROLOGOUS EXPRESSION, the specification of which

☐ is attached hereto.

☒ was filed on 08/02/2001 as
Application Serial No. 09/921,944

☐ and was amended on _____
(if applicable)

☐ with amendments through _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such applications have been filed

☐ such applications have been filed as follows

EL844054463

Prior Foreign Application(s)

Priority
Claimed

NONE

<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/632,314	08/04/2000	Pending
<u> </u>	<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Stephen R. May, Registration No. 29,255
Todd J. Harrington, Registration No. P-50,137

Address all correspondence to:

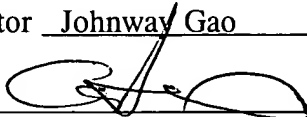
Stephen R. May K1-53
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Battelle Memorial Institute
Pacific Northwest Division
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Richland, WA 99352

Direct all phone calls to him at (509) 375-2387

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor Johnway Gao

Inventor's signature



11/08/01
Date

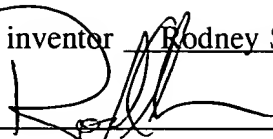
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Full name of second joint inventor Rodney S. Skeen

Inventor's signature



11/9/01

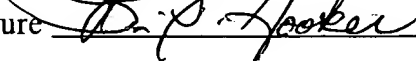
Date

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Full name of third joint inventor Brian S. Hooker


Inventor's signature  Nov. 8, 2001
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Full name of fourth joint inventor Daniel B. Anderson

Inventor's signature  11/9/2001
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION SERIAL NO. 09/921,944
FILING DATE August 2, 2001
INVENTORSHIP Johnway Gao et al.
GROUP ART UNIT Unknown
EXAMINER Unknown
ATTORNEY'S DOCKET NO. BA4-089
TITLE: An Isolated Yeast Promoter Sequence And A Method Of Regulated Heterologous
Expression

POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS WITH

STATEMENT UNDER 37 CFR 3.73(b)

Battelle Memorial Institute, the Assignee of the above-identified patent application, hereby appoints the following attorneys and agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: David P. Roberts, Reg. No. 23,032; Randy A. Gregory, Reg. No. 30,386; Mark S. Matkin, Reg. No. 32,268; James L. Price, Reg. No. 27,376; Deepak Malhotra, Reg. No. 33,560; Mark W. Hendricksen, Reg. No. 32,356; David G. Latwesen, Reg. No. 38,533; George G. Grigel, Reg. No. 31,166; Keith D. Grzelak, Reg. No. 37,144; James D. Shaurette, Reg. No. 39,833; Frederick M. Fliegel, Reg. No. 36,138; Donald Brent Kenady, Reg. No. 40,045; James E. Lake, Reg. No. 44,854; Bernard Berman, Reg. No. 37,279; Jennifer J. Taylor, Reg. No. 48,711; Stephen R. May, Reg. No. 29,255 and Todd J. Harrington, Reg. No. P-50,137.

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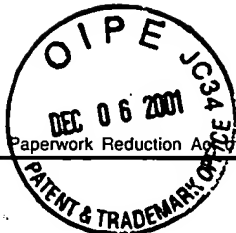
Please change the correspondence address for the above-identified application to: David G. Latwesen, Ph.D. at WELLS, ST. JOHN, ROBERTS, GREGORY & MATKIN P.S., 601 W. First Avenue, Suite 1300, Spokane, WA 99201-3828. Telephone: (509) 624-4276; (PTO Customer No. 021567).

Date: Nov 27, 2001

By: Stephen R. May

Name: Stephen R. May

Title: Contracting Officer

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Johnway Gao, et al.Application No./Patent No.: 09/921,944 Filed/Issue Date: August 2, 2001Entitled: An Isolated Yeast Promoter Sequence And A Method Of Regulated Heterologous ExpressionBattelle Memorial Institute, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached. (Filed Herewith)

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Nov 27, 2001

Date

Stephen R. May

Typed or printed name

Stephen R. May

Signature

Contracting Officer

Title

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